IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

GEORGE ROCKY BALBOA,

Petitioner,

v. CIVIL ACTION NO. 5:04-cv-00010

MID-ATLANTIC REGION, et al.,

Respondents.

JUDGMENT ORDER

By Standing Order entered on May 20, 2002, and filed in this case on January 8, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation ["PF&R"]. Magistrate Judge VanDervort filed his PF&R on January 23, 2007 [Docket 9]. In that filing, the magistrate judge recommended that this Court deny Petitioner's application under 28 U.S.C. § 2241 for writ of habeas corpus and dismiss this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge

VanDervort's PF&R were due by February 9, 2007, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). No objections have been filed.

The Court adopts the recommendations of Magistrate Judge VanDervort. Accordingly, the Court hereby **DENIES** Petitioner's application under 28 U.S.C. § 2241 for writ of habeas corpus and **DISMISSES** this matter from the Court's docket.

The Clerk is directed to mail a certified copy of this Judgment Order to all counsel of record, the plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: February 14, 2007

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE